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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/634,206	
	Filing Date	August 5, 2003	
	First Named Inventor	Russell Powers et al.	
	Art Unit	3738	
	Examiner Name	Brian E. Pellegrino	
Total Number of Pages in This Submission	19	Attorney Docket Number	MSDI-196/P934.00

ENCLOSURES (Check all that apply)		
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Firm Name	Krieg DeVault LLP		
Signature			
Printed name	Brad A. Schepers		
Date	July 3, 2007	Reg. No.	45,431

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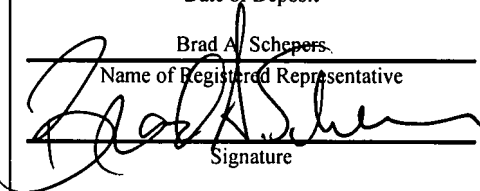
In re patent application of:	)	Before the Examiner
Powers et al.	)	Brian E. Pellegrino
	)	
Serial No. 10/634,206	)	Group Art Unit 3738
	)	
Filed August 5, 2003	)	Ref. No. MSDI-196/ PC934.00
	)	
SURGICAL KIT AND METHOD FOR	)	July 3, 2007
PROVIDING STERILIZED EQUIPMENT	)	
FOR USE IN SPINAL SURGERY	)	

**RESPONSE TO NON-FINAL OFFICE ACTION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the non-final Office Action dated April 4, 2007, please consider the following amendments and remarks. Please charge any additional fees which may be necessary to Deposit Account No. 12-2424, but not to include any payment of issue fees.

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## **INTRODUCTORY COMMENTS**

Claims 3, 5-20, 22-28, 30, 31, 33-39 and 56-72 were pending in the subject application for the non-final Office Action dated April 4, 2007. Claims 10-16, 18, 19, 21, 27, 28, 30, 31, 33-39 and 56-72 have been withdrawn from consideration as being drawn to a non-elected species of the invention. Claims 3, 5-9, 17, 20 and 22-26 currently stand rejected. In view of the following amendments and remarks, reconsideration and allowance of the subject application are hereby requested.